

MSDC27: Response from Mid Sussex Council to the Inspector's Matters for the Hearing into the Proposed Allocation at Clayton Mills, Hassocks on 5 February 2018

Introduction

1. This paper sets out the Council position on the topics selected by the Inspector for the hearing on 5 February. The responses should be considered alongside the more detailed existing justification for the site as set out in the Strategic Site Selection Paper (EP23a), the District Plan Sustainability Appraisal (BP5a), the Strategic Housing Land Availability Assessment (EP27) and MSDC22: Consideration of Options to Strengthen the 5 Year Supply.
2. In line with the Inspector's notification for the 5 February session, this submission concentrates on the proposed Hassocks site allocation. In line with the Inspector's clear instructions it does not consider other sites that have not been allocated in the plan, or compare in detail the relative merits of the Hassocks site with others, or revisit other issues such as the threshold for strategic and local sites.
3. MSDC22 outlines the options considered by the Council to strengthen the 5 year supply, as requested by the Inspector at the conclusion of the July hearings. It is noted that, reflecting the Inspector's suggestion at the last hearing some representatives, notably Hassocks Parish Council, believe that the option to increase the level of 'windfall' development on the edge of settlements would be a more appropriate mechanism for increasing overall supply and improving the 5-year supply. However, the Council does not believe that this option is in accordance with national policy or would be a demonstrable way of improving the 5-year supply. It should be noted that the majority of Parish Councils objected to the currently drafted policy (DP6: Settlement Hierarchy) and its 'fewer than 10 units' windfall allowance contiguous to the built-up area during the Main Modifications consultation. The Council does not support raising this threshold. MSDC25 also addresses a number of issues raised during the consultation.
4. The Council confirms that it has commenced work on the Site Allocations DPD, including a further call for sites. Policy DP5: Housing outlines the Council's commitment to adopt this by 2020.
5. Overall, the allocation of a further site at Land north of Clayton Mills, Hassocks (DP9b):
 - Is the most sustainable and deliverable option of all reasonable alternative sites, as has been demonstrated in the updated Strategic Site Selection Paper and Sustainability Appraisal.
 - Will strengthen the Council's 5-year supply by delivering a minimum of 150 units in the next 5-year period.
 - Will add an extra 500 units to the Council's overall supply of housing, therefore helping boost significantly the supply of housing in the district and Housing Market Area.
 - Is in accordance with the overarching District Plan strategy with respect to spatial distribution of housing (noting that Hassocks is a Category 2 settlement).
 - Is in a sustainable location which is relatively unconstrained compared to other locations within the district.
 - Is of a size that would help deliver much needed social infrastructure (e.g. a new primary school).
 - Is in a location that would not lead to significant impacts on the Ashdown Forest Special Area of Conservation.

Matter 1: The site selection process – why this site was chosen

6. In verbal comments at the end of the Examination hearing in July 2017, the Inspector indicated that while he accepted that the 5-year land supply was in excess of 5 years, he also expressed his view that the 5-year position was ‘not particularly comfortable’. He therefore suggested that the Council give further consideration to measures that would strengthen the 5 year supply position, including the possibility of amending Policy DP6 by raising the threshold for windfall developments on the edge of existing settlements from 10 to 25 units. The need for strengthening arises because of the extent to which the Council can maintain a 5-year land supply in advance of the realisation of its commitment to produce a site allocations DPD, which has now commenced. Reflecting this position and relevant to the Inspector’s concern about 5 year land supply, subsequent to the hearing the Council:
 - Revisited its site selection assessment to assess whether the position of any existing sites had changed since the Plan submission in August 2016 to the extent to which they could strengthen the 5 year land supply position in advance of the adoption of the Site Allocations DPD;
 - Considered the option of increasing the windfall threshold in policy DP6 and the potential allocation of any further sites submitted to the Council through the SHLAA – which had remained open throughout the plan period.
 - Assessed the identified additional site, Land north of Clayton Mills Hassocks against the site selection criteria employed in the Plan as a whole.
 - Reassessed the implications of the higher housing provision as part of an update to the Habitats Regulation Assessment, including the critical need to avoid significant impacts on the Ashdown Forest Special Area of Conservation.
 - Considered the implications of comments received in response to Consultation in Autumn 2017.
 - Considered whether any of the existing proposals outside the Plan but currently at Appeal could be relied upon to strengthen the 5-year land supply position.
7. This process is further briefly summarised below.

Site Selection

8. As part of the preparation for the District Plan submission in August 2016, the Council assessed site options for allocation within the District Plan during its preparation. These were assessed primarily within the SHLAA (EP27), the Sustainability Appraisal (BP5) and the Strategic Site Selection Paper (EP23). These considered suitability, availability, achievability and sustainability. The Strategic Site Assessment Paper drew the findings of the SHLAA and SA together to give a comprehensive assessment of the merits of the site options put forward.
9. The evidence base identified a number of sites which were the Council’s preferred options due to their suitability and deliverability.
10. All other sites were rejected and considered unsuitable due to:
 - Issues that would cast doubt on deliverability, particularly in the short-term or first 5 years to determine the extent to which the 5 year land supply could be strengthened

from this site cohort.

- Environmental constraints.
- Infrastructure constraints, particularly relating to transport capacity with no suggested feasible/viable mitigation.
- Site not being actively promoted, therefore making it difficult to demonstrate the deliverability of the site and suggesting no realistic prospect of delivery in the short term or first 5 years.

11. The assessment also considered the relationship to Neighbourhood Plans.
12. During the examination hearings, the Council has already defended its evidence based assessments and the conclusions reached regarding sites. The Council believes that a proportionate and robust assessment and justification of the sites chosen and rejected was carried out. Following a re-assessment of the evidence base documents since the hearings concluded, the position in terms of the sites chosen (DP8: Kings Way, DP9: Northern Arc and DP9a: Pease Pottage) and sites rejected (and reasons for rejection) has not changed.
13. The Council has made it clear that its 'call for sites' for landowners/agents to promote new sites is always open. A site, 'Land north of Clayton Mills' was promoted to the Council in July 2017 and the SHLAA was updated accordingly (site reference ID: 753). Part of the wider site had already been identified as a potential housing site in the draft Hassocks Neighbourhood Plan for 140 homes.
14. The Council reviewed the technical information regarding this site on receipt, alongside all other site options. This included:
 - Various in-house assessments undertaken by the Council relating to setting, landscape, heritage, the emerging neighbourhood plan and impacts on Hassocks. The findings of these are covered under Matter 4 below.
 - the assessment of traffic impacts from this site in combination with the other planned development, using the West Sussex Highways model to assess the effects on the road network and the effects on traffic through the Ashdown Forest, (and subsequent discussion with the County) the results of which are published as EP41c in the Examination Library. Discussions were also held with the Highways Authority (Appendix 3B) on the development proposals.
 - a re-appraisal within the Sustainability Appraisal to include this site (listed as option (R))
 - an assessment alongside the identified strategic sites which has been published as an updated Strategic Site Selection Paper (EP23a).
 - Consideration of the proposal by the Council's Scrutiny Committee for Community, Housing and Planning on 12th September 2017.
 - Council confirmation of the new allocation as part of its approval of the Main Modifications to the District Plan at its meeting on 27th September 2017.
15. There were also various discussions held with Hassocks Parish Council (see Appendix 2A), the County Council as Education and Highways authority and others. The promoters also submitted their own draft Transport Assessment to MSDC and to WSCC, which was subsequently made available to the Parish Council and interested parties.

16. Overall the work concluded that land north of Clayton Mills is the only policy option that could be demonstrated, at this time, to be deliverable (i.e. is available now, offers a suitable location for development now and can deliver new homes within the next 5 years) and performs well in sustainability terms. This is set out in MSDC 22.
17. MSDC 22 sets out that Option 1, involving the increase in the potential scale of windfall development on the edge of settlements in certain circumstances (Policy DP6) from 10 to 25 units, does not provide a robust or secure mechanism to improve the five year supply position. The raising of the dwellings threshold would not meet the tests set out in the NPPF with respect to the five year supply, and could not be relied upon to improve the five year supply. It is not a sufficiently robust guarantee that sites will be brought forward; and if they are, the timescale for doing so is unknown. Therefore, the Council does not see this as a mechanism that would make the five year supply more comfortable.
18. The Council therefore proposed to allocate Land North of Clayton Mills for 500 dwellings in the Main Modifications to the District Plan. The Council believe that there is a proportionate, robust and sufficient evidence base to support the allocation of this site with confidence, whilst recognising that further evidence and master planning would be required to support a planning application. The wording of the proposed policy (DP9b) reflects this, by requiring the applicant to demonstrate they have addressed identified issues such as the listed buildings, Air Quality Management Area, traffic impact, greenspace and coalescence, and the railway crossing.
19. The draft policy wording was discussed in a number of meetings with representatives of Hassocks Parish Council in order to respond to concerns raised and to ensure all potential issues were addressed in policy so that the development provided the mitigation required to make the scheme acceptable to the Parish. The final version (subject to the Main Modifications consultation) reflects these discussions.

Addressing comments made by representors on the site selection process

20. The Council notes that the Site Selection Document (EP23a) assessment methodology has been the subject of comment, notably by Hassocks Parish Council and the South Downs National Park Authority, in relation to the scoring given to AONB/National Park and flood risk assessment criteria.
21. Representations were made in relation to this assessment through the main modifications consultation. In particular:
 - Scoring against the 'AONB' category – i.e. the site is deemed within proximity to the South Downs National Park, and therefore a greater impact should be recorded against this objective (it is agreed that the objective should be worded in full to include the National Park). This issue was raised in particular by Hassocks Parish Council, and the SDNPA. In practice AONB has been used as shorthand for both AONB and National Parks reflecting the similar policy stance for both as set out in paragraph 115 of the National Planning Policy Framework.
 - Scoring against the Flood Risk category – i.e. the site is deemed to be at risk from surface water flooding and should receive a less positive score (raised in particular by the SDNPA)
 - Scoring against the Education category – i.e. the proposed school is not (in the view of some representors) guaranteed to be delivered on site, therefore it should receive a less positive score (raised by residents, and WSCC Cllr Kirsty Lord).
22. The Council stands by its initial assessment which it judges to be consistent with the existing methodology, which has been applied consistently and equitably across all reasonable alternative sites. Much of the district is close to AONB and National Park and its suggestion

that this imposed significant constraints to development immediately adjacent was rejected by the Inspector in his February 2017 interim conclusions.

Effect of Revising the Assessment

23. Notwithstanding that the Council stands by its initial assessment, in a sensitivity analysis, the Council has considered the effect of the suggested scoring preferred by SDNPA and Hassocks Parish representatives on the assessment.

National Park

24. Representatives note that this criterion should be named to include National Park. This is agreed – when the exercise was first undertaken (i.e. before site (R) was proposed), there were no sites in proximity to the National Park and therefore this designation was not mentioned. However, the Council confirms that National Park and AONB have been treated in the same way and that effects on the National Park were fully considered, particularly under Objective 9 of the Sustainability Appraisal.
25. The measures against this criteria (as shown on page 7 of the Strategic Site Selection Paper) are as follows:

Wholly Within	The whole site is within the AONB
Partly Within	Part of the site is within the AONB
Adjacent	The site lies adjacent to the border of the AONB
Proximity	Site is not within or adjacent to the AONB, but is in close proximity
N/A	Site is not within, adjacent or in close proximity to the AONB

26. Land north of Clayton Mills is not within or partly within the South Downs National Park. Neither is it adjacent (i.e. having a contiguous boundary) as the National Park boundary is over 200m away from the site at the closest point.
27. The Council judges that the site is remote from the National Park in that (and as confirmed by the South Downs National Park Authority in its Main Modifications response) there are not deemed to be any significant or direct impacts from development of the site on the Park. However, should it be thought that the site has more impact than previously assessed in the Strategic Site Selection Paper; at worst the assessment would record “Proximity”. This would reduce the total ‘score’ on this site but not to a degree that would alter its ranking.
28. Therefore, whilst the District Council would recognise the effect of the site on nationally protected landscapes:
- The South Downs National Park Authority do not believe there to be significant or direct impacts on the National Park;
 - The rewording of the assessment would be to clarify the shorthand use of AONB, which means AONB and National Park; and
 - The re-assessment of the site would have no impact on the site’s ranking/score and therefore would not have a material impact on the Council’s decision to allocate the site as being one of the most sustainable, suitable and developable strategic options.
29. The South Downs National Park Authority (SDNPA) also question the assessment score against the Flood Risk criteria. The SDNPA mapping shows that there is surface water flooding on site.

30. The District Council's SFRA uses the same data source as the SDNPA, which also shows surface water flooding on-site. However, the Sequential Test that accompanies the District Plan correctly follows the NPPG in assessing flood risk and is focussed on flood risk zones. Surface water flooding on-site can be managed/mitigated by appropriate drainage in order to remove the risk. The criteria set out in the paper's methodology clearly refers to Flood Zones 2/3 therefore all sites are assessed against this measure.
31. Upon re-checking the mapping, it shows that every site within the Strategic Site Selection Paper has some level of surface water flood risk. Therefore, if site (R) is re-assessed to incorporate surface water flood risk, the scoring for the strategic sites would change to the same degree. It would therefore have no impact on the scoring or ranking of sites.
32. Representors note that policy DP9b: Land north of Clayton Mills, Hassocks, would not guarantee the provision of a school on site, therefore the scoring against this criterion should be reduced from "Very Positive" (new school onsite) to a lower level.
33. Discussions have been ongoing with the education authority, and the County Council Education team has submitted a position statement (at Appendix 3A), which confirms the need for the school, and that this site would be a deliverable option. Therefore it is not intended to amend the scoring against this objective.

Matter 2: The relationship of the site allocation to the draft Hassocks Neighbourhood Plan

34. Mid Sussex District Council is a strong supporter and early adopter of Neighbourhood Plans. As at January 2018, the District has 16 made neighbourhood plans and anticipated full neighbourhood plan coverage in the near future.
35. Progress in the preparation of the District Plan, has in itself meant that Neighbourhood Plans have progressed to adoption in advance of the District Plan. It has also always been stated that a subsequent Site Allocations DPD would be used to address any further shortfall in housing supply and would allocate sites of any size. Work on the DPD is a commitment within the District Plan and work has commenced.
36. Mid Sussex District Council's response to the opportunity presented by Neighbourhood Plans has aimed to reflect Neighbourhood Plan Regulations and Guidance. In particular, the National Planning Policy Framework¹ "the Framework" says at paragraphs 184 and 185:

"184. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.

185. Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area. Once a neighbourhood plan has demonstrated its general conformity with the strategic policies of the Local Plan and is brought into force, the policies it contains take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict. Local planning authorities should avoid duplicating planning processes for non-strategic policies where a neighbourhood plan is in preparation".

37. In practice the experience of Neighbourhood Planning has been that, while most parishes have made good progress in making housing allocations, the scale of provision means that it has been necessary for the District Council to make substantial strategic housing allocations in addition to the Neighbourhood Plan allocations. This reflects the need to meet objectively assessed housing needs as far as possible and to be sustainable in accordance with the NPPF and over-arching District Plan strategy. In practical terms this has also been necessary because emerging Neighbourhood Plans do not typically address housing needs later in the Plan period, in part because of the challenges local groups face in terms of envisaging longer terms needs and the scale of development likely to be required. The District Council also believe that larger scale strategic sites, due to their complexity and the level of scrutiny required, are best allocated by the District Council as opposed to within Neighbourhood Plans.
38. The Inspector for the District Plan has recommended that the Council in the District Plan addresses this issue through the provision of housing need guidelines for each Parish. This is reflected in the modifications to DP5: Housing and DP6: Settlement Hierarchy which include

¹ reflecting basic legal conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004

guideline housing numbers for Towns and Parishes. In setting these housing targets the numbers suggested by the District Council continue the assumption of a balance of strategic and local allocations and Neighbourhood Plan requirements. An increase in housing need identified during the examination does not typically undermine existing Neighbourhood Plans, although many may require review in the medium term, if they are going to remain relevant and up to date over the medium or longer term. This approach also reflects typical good plan making practice.

Progress with the Hassocks Neighbourhood Plan

39. The Hassocks Neighbourhood Plan has been in the last wave of neighbourhood plan making across the District. It was submitted in draft to the Council in June 2016, with Regulation 16 consultation taking place between July and September 2016.
40. The end of the Regulation 16 consultation coincided with the District Plan submission for examination and the District Plan Inspector's "Issues and Matters" for the hearings. Importantly, these raised issues with the District Council's housing need and requirement, and the assessment of constraints within the Sustainability Appraisal (in particular the 'tipping point'). These are all relevant to the draft Hassocks Neighbourhood Plan, in that the draft Neighbourhood Plan was based on a Sustainability Appraisal forwarding the same 'tipping point' argument and on a District housing number that was (in all likelihood) going to increase.
41. During the time between submission of the Neighbourhood Plan and the Inspector's Interim Conclusions, the District Council also received an application for a housing development in Hassocks, known as Friars Oak Fields, with the Council resolving to grant consent. This was subsequently called in and the decision remains outstanding – the trail of emails at Appendix 2B provides some context to this call in.
42. The District and Parish Councils, and their advisers, met in November 2016 to discuss the implications for the draft Neighbourhood Plan, and the impact of the permission for 130 units at Friars Oak on the SA conclusions.
43. The Inspector's interim conclusions which set out his position on housing need were published in February 2017. This followed substantial debate at the Examination on the issue of need and justified constraints. This included the District Council's suggestion of a 'tipping point' at which level growth could be regarded as increasingly unsustainable as set out in the Sustainability Appraisal and the subsequent material on need and constraints in several additional submissions, (MSDC3, MSDC4, MSDC5, MSDC6, MSDC7 and MSDC8 as published on the Examination page) as well as contributions by other participants. Having considered the evidence, the Inspector's interim conclusions in his letter of 20 February 2017 suggested the need for the plan to provide for a higher level of housing need than in the submitted plans and that *"this could be achieved sustainably without conflicting with policies set out in the Framework."* This conclusion reflected his rejection of the 'tipping point' arguments and his assumption that the district was relatively unconstrained. The District Council continues to have concerns as to the validity of this finding, but subsequently agreed a stepped trajectory to reflect the timing of unmet need from Crawley and the potential constraints of the Ashdown Forest.
44. The draft submitted Hassocks Neighbourhood Plan included a suggested housing allocation of 280-290 new homes over the plan period 2014 - 2031 and, in the accompanying draft Sustainability Appraisal, advanced a 'tipping point' argument, similar to the submitted District Plan to demonstrate that this was the effective sustainable capacity of Hassocks for further growth. The plan was thus seeking to promote less development than would be likely to be required to meet needs identified through the District Plan – evidence presented in MSDC8c suggested that Hassocks needed to accommodate a minimum of 334 dwellings.

45. Mid Sussex District Council has a number of concerns with the draft Hassocks Neighbourhood Plan, including that the stance on housing provision was at variance with the Inspector's interim conclusions and the evidence base. There followed several meetings between the Council and the Parish to resolve this position. These are summarised at Appendix 2A. Mid Sussex District Council also sought the view of a potential Examiner, whose conclusions are included at Appendix 2B. The view expressed by the potential Examiner is the same view expressed by the Council - the Plan could not in current form proceed to Examination without significant risk as it was proposing a level of housing inconsistent with the District Plan with no robust evidence to justify this position. This conclusion underpins the decision not to progress with the Examination. This decision was discussed with the Parish in April 2017.

Relationship of the proposed allocation to the draft Hassocks Neighbourhood Plan

46. The proposed allocation at Land north of Clayton Mills is outside the scope of the draft Hassocks Neighbourhood Plan. The allocation is also proposed to meet the housing needs identified in the District Plan. As set out in response to Matter 1, the allocation of Clayton Mills reflects its status as the most sustainable policy option to strengthen the 5 year land supply.
47. The District Council also considers that the proposed allocation is consistent with a number of policy principles of the emerging Neighbourhood Plan. In particular:

Policy 1 of the Draft Hassocks Neighbourhood Plan seeks to prevent coalescence and to retain the separate identity and amenity of settlements, defined as Hassocks, Burgess Hill and Keymer.

Policy 1 also defines where development will be supported within the Burgess Hill Gap, which includes where:

- 1. It is necessary for the purposes of agriculture, or some other use which has to be located in the countryside;*
- 2. It is necessary for the purposes of the provision of formal/informal open space to serve the existing residents of Clayton Mills and new residents of development at land north of Clayton Mills and Mackie Avenue (Policy 15: Land to the north of Clayton Mills and Mackie Avenue);*
- 3. It makes a valuable contribution to the landscape character and amenity of the Gap and enhances its value as open countryside;*
- 4. It would not compromise individually or cumulatively the objectives and fundamental integrity of the Gap; and*
- 5. It would conserve and where possible enhance relative tranquillity, in relation to noise and light pollution and dark skies.*

48. The District Council does not consider that the allocation would be incompatible with this policy. Most importantly it does not compromise the fundamental integrity of the gap and offers the potential to create a new permanent and defensible boundary for the Village. Through careful and strategic master planning as sought by Policy DP9b it offers the potential to safeguard the setting of Ockley Manor, and avoids the risk of piecemeal development. In the absence of brownfield land, meeting housing need must necessarily involve development in the countryside. The development includes provision for a primary school and additional open space.

49. In addition:

- Draft Neighbourhood Plan Policy 15 *Land to the north of Clayton Mills and Mackie Avenue* already proposes 140 homes on a site adjacent to/including part of the proposed allocation. However, the District Council doubts that the Neighbourhood Plan site is available or deliverable. The site has not been promoted as part of the recent call for sites, which encourages promotion of sites of all sizes.
- Policy 12 of the draft Neighbourhood Plan also indicates an existing need for a 2 form entry primary school and indicates the need for a detailed feasibility study on site availability and selection. The proposed strategic allocation offers land for such a school, in an appropriate location.
- The proposed allocation offers scope to make contributions to other social infrastructure needs in line with section 5 of the draft neighbourhood plan.

50. Notwithstanding the different scope of a Local Plan relative to Neighbourhood Plans and the fact that the Local Plan is the strategic plan to which the Neighbourhood Plan must conform (not the other way round), overall the District Council suggests the strategic allocation is complementary to, rather than in conflict, with the draft Neighbourhood plan.

MATTER 2 – APPENDIX A: Land north of Clayton Mills – Parish Council Liaison Timeline

Date	Meeting Subject	Attendees	Notes
15/06/2016	Plan Submitted to MSDC for fact check		<ul style="list-style-type: none"> MSDC raised issues with the Sustainability Appraisal (SA)
06/07/2016	SA/SEA/Flood Risk	MSDC HPC	<ul style="list-style-type: none"> Discussed issues with the SA Provided advice regarding format, site appraisals and housing options Sustainability Appraisal concluded a 'tipping point' of 280-290. This equals the yield of the 3 proposed sites.
21/07/2016	Hassocks NP Reg 16 Consultation started		Consultation 21 st July until 8 th September
13/10/2016	Land rear of Friars Oak – application approved		<ul style="list-style-type: none"> Approved by Planning Committee Site was not proposed for allocation in the draft Neighbourhood Plan Total of 130 dwellings
07/11/2016	Friars Oak and Impact on Neighbourhood Plan	MSDC HPC	<ul style="list-style-type: none"> SA had previously indicated a 'tipping point' of 280-290, which was covered by the NP allocations. However, now Friars Oak was permitted (130 dwellings) it would breach the 'Tipping Point' identified in the Hassocks Neighbourhood Plan SA. HNP questioned how this would impact the SA and examination of it Tipping point was identified due to a lack of site alternatives, National Park to south and east, gap to north and west. SA revision was advised due to the MSDC District Plan Inspector's initial thoughts ('Issues and Matters' for the hearings) on a 'tipping point' and indication that the MSDC housing numbers were going to be too low (to be examined end November). Concerns with the flood risk evidence (based on comments received by the Environment Agency) related to the National Tyre Site.
13/01/2017	Land rear of Friars Oak – called in by SoS		
17/01/2017	SFRA	MSDC HPC	<ul style="list-style-type: none"> Environment Agency (EA) raised issues with flood risk on the proposed National Tyre Service site, particularly the Sequential Test and lack of FRA MSDC advised contacting EA to see what would be needed to resolve their objection– potentially a site specific FRA HPC to contact EA
20/02/2017	District Plan Inspector - Interim Findings		<ul style="list-style-type: none"> Suggested MSDC OAN would increase from 695dpa to 876dpa, and plan provision from 800dpa to 1,026dpa. Suggested Parishes should be allocated housing numbers for the purposes of their Neighbourhood Plans
23/02/2017	MSDC contacts Peter Biggers (potential Examiner)		<ul style="list-style-type: none"> MSDC sought clarification on the impact the Inspector's letter would have on the Hassocks Plan
03/03/2017	Letter from Hassocks Parish Council		<ul style="list-style-type: none"> HPC resolved that the Plan should progress to examination without delay (despite risks Re: flood risk, SA, District Plan housing numbers) Requests sight of Peter Biggers advice once received
07/03/2017	Note from Peter Biggers		<ul style="list-style-type: none"> District Plan, on which Hassocks submission was

	(Examiner)		<p>based, “is not currently sound”.</p> <ul style="list-style-type: none"> Inspector’s findings would be given ‘significant weight’ in the Hassocks examination Plan should be based on emerging housing evidence, “begs the question as to whether the [Hassocks] examination should go ahead at this stage” Recommends waiting until MSDC have confirmed their housing numbers and allocation to Parishes, and Hassocks to identify additional site(s) if required If HPC proceed without heeding this advice – plan may fail examination, or likely to be challenged, or will have a very short shelf life
06/04/2017	Re: Submission & Biggers Note	MSDC HPC	<ul style="list-style-type: none"> HPC keen for examination to proceed as soon as possible, as Friars Oak site has been called-in and public inquiry is scheduled for June. HPC suggest that, should the Friars Oak site be refused at appeal, the NP could proceed quickly as the issues identified with the SA tipping point would ‘fall away’ MSDC suggest that the increase in housing numbers and identification of numbers to parishes would be the biggest issue that would impact the NP. EA objection to National Tyre Site still stands, not intending to do flood risk work therefore HPC prepared for the site to be deleted HPC assert that the SA work (previously discussed) should not hold up the plan – HPC state that the NP is consistent with the SA but aware of the risk that an examiner may disagree
19/04/2017	MSDC Letter to HPC		<ul style="list-style-type: none"> MSDC write to the Parish Council to outline the risks of progressing the plan The conclusions are based on the Peter Biggers advice note
20/04/2017	HPC response to MSDC Letter		<ul style="list-style-type: none"> HPC still keen to progress to examination and to request Peter Biggers undertakes it
25/04/2017	MSDC Letter to HPC		<ul style="list-style-type: none"> Advises HPC that MSDC position is still the same, based on an assessment of risk MSDC want to ensure the plan would meet the requirements for submission and examination Attaches Peter Biggers advice in full to back-up the conclusions reached.
06/06/2017	Friars Oak Public Inquiry		<ul style="list-style-type: none"> In submissions and cross-examination, HPC raise MSDC submissions to the District Plan examination related to housing numbers for Parishes (MSDC 8c)
15/06/2017	HPC Advisor Re: Numbers	MSDC HPC	<ul style="list-style-type: none"> MSDC met with HPC advisor to discuss the MSDC8c document and explain the methodology behind the numbers proportioned to Parishes.
19/07/2017	Re: DP Submission (Numbers)	MSDC HPC	<ul style="list-style-type: none"> Hassocks PC make a submission to the District Plan hearings HPC have a fundamental disagreement with the number proposed for Hassocks (334 dwellings ‘to find’, to confirm with DP6) HPC state that it will not be possible to meet the 334 figure. The 334 figure is not consistent with the findings of the Neighbourhood Plan SA. MSDC explain a consistent approach has been

			taken for all Parishes
26-27/07/2017	District Plan Hearings		<ul style="list-style-type: none"> HPC appear at examination to give evidence on the inability of HPC to meet the numbers set out in MSDC 8c Inspector verbally concludes that the methodology and numbers to parishes is pragmatic and acceptable for the purposes of future planning (NP's and/or Site Allocations DPD)
End July 2017	Land north of Clayton Mills submitted to the District Council		<ul style="list-style-type: none"> Site submitted by proponent to the Council MSDC undertake an initial assessment in the SHLAA and publish on the website Further work is undertaken (SA, Site Selection Paper, Transport, etc) as it is now a 'reasonable alternative option' in SA terms. The assessments are favourable.
06/09/2017	HPC Re: Allocation of Land north of Clayton Mills	MSDC HPC	<ul style="list-style-type: none"> MSDC meet to discuss the Inspector's initial conclusions on the 5 year housing land supply, unmet need and the settlement hierarchy. Discuss the options to make the 5 year housing supply more comfortable, and the Council's proposal to allocate Land north of Clayton Mills for 500 dwellings HPC assess draft policy and suggest amendments to make it more acceptable Agree to meet the Parish planning consultant and NP lead to discuss.
11/09/2017	MSDC & HPC Advisor Re: Allocation of Land north of Clayton Mills	MSDC HPC	<ul style="list-style-type: none"> MSDC outlined the options and decision to allocate the Land north of Clayton Mills site Would seek advice on the next steps for the NP
13/09/2017	HPC Re: Allocation of Land north of Clayton Mills	MSDC HPC	<ul style="list-style-type: none"> MSDC outlined the options and decision to allocate the Land north of Clayton Mills site Discussed further improvements to the DP9b policy Re: open space buffer and its potential transfer of ownership to the Parish 'in perpetuity' Discussed the transport work and the results re: Stonepound Crossroads
02/10/2017	District Plan – Main Modifications Consultation starts		
03/10/2017	HPC Advisor	MSDC HPC	<ul style="list-style-type: none"> MSDC set out implications of allocation for NP Discussion about process of withdrawing NP and next steps/ way forward for NP/revised NP. Areas of Plan that would need to be updated in light of DP allocation

MATTER 2 - APPENDIX B: Correspondence with Hassocks Neighbourhood Plan Examiner

[NB in reverse chronological order]

From: 'peter@argyleplanning.co.uk'
Sent: 8 March 2017 16:11
To: MSDC
Subject: RE: Hassocks Neighbourhood Plan

Dear MSDC

I have now had the opportunity to consider this matter and read the Inspector's Interim findings.

The Inspector is unequivocal in his position that the plan is not sound in relation to housing supply and that, both to accommodate a higher district OAN and a contribution particularly to Crawley's need, the housing supply in the district must be substantially higher. He also makes it clear that he thinks the District Plan should give a clearer steer re supply in individual settlements and sees both an Allocations DPD and delivery through NDPs as essential in ensuring the supply can be met.

In respect to the weight I would attach to the Inspector's letter, clearly it is not his final report and I realise that I would be examining against the adopted plan and not the emerging plan. However bearing in mind the advice regarding emerging local plans in NPPG as follows:

"...the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development"....

it seems to me that the Inspector's view must be taken as part of the up to date housing needs evidence and therefore given significant weight.

I am aware the NPPG does go on to suggest in a recent addition that:

"Neighbourhood plans should consider providing indicative delivery timetables, and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan".

However at this stage I do not see how this can be done through the examination. It therefore begs the question as to whether the examination should go ahead at this stage.

I am aware there are substantive Reg 16 objections relating to housing supply from Rydon Homes, Gladman Developments Gleeson Developments etc . Their position is likely to be that in the light of the Inspector's interim report a higher supply is warranted.

There is no commitment in the NP to review the plan in any timeframe; otherwise I could perhaps have recommended that a review happened immediately post adoption of the District Plan although that in itself would leave the plan with a very short lifespan. Nor is there any general policy regarding housing supply which I could recommend for modification to provide the basis on which further development to meet need may be allowed in the future.

Whilst I realise the QB has put significant work into the plan my personal opinion is that they should not proceed to examination and rather withdraw the plan, wait for the council to arrive at figures for individual settlements and for the QB to identify additional site(s) / or if this posed too long a delay withdraw the plan to identify some reserve sites now based on sound site assessments. In both respects this would mean them going back through a consultation stage and resubmitting, then moving forward again to examination.

I realise the QB will be disappointed with this as a recommended course of action because of the delay involved but, given the Inspector's unequivocal position and the Reg 16 objections, better a delay than end up with a plan that may fail at examination* **or** is likely to be challenged **or**, even if it progresses to referendum and is made, has to be changed almost immediately.

**Note – I cannot at this point, without a lot more work, say whether failure at examination would be the case. However, given the Inspector's view, the objections to the HNP and the Government's direction of travel on housing, it is at least a strong possibility that with the guidance in the NPPF and NPPG, I would have to conclude that the Inspector's report (as part of the evidence base for a well advanced emerging plan) carried significant weight in reaching a view as to whether the HNP met Basic Condition No 1. The only thing that might dissuade me from this view is strong evidence that there really are no alternative sites through which to increase the housing supply within the Hassocks Neighbourhood Area.*

This is my own view. I have tried to seek advice on the matter from a planning barrister who on occasion assists with legal opinions on a pro bono basis for Independent Examiners. In this case however he has taken the view that the matter is too complicated to offer a pro bono view. He has quoted me a fee of £500 plus VAT. For obvious reasons I am not happy to cover that fee as there is no guarantee at the end of it that I would be able to recover it through an examination fee.

You may wish to review this matter with your own legal department initially but if you would like to take up the offer of the legal advice with Mr Tim Jones of No 5 Chambers for the fee quoted I can pursue that with him. I am sorry that at this stage I cannot provide greater certainty but in summary my advice to the QB would be not to proceed with the examination before pursuing the routes set out above. If you or Claire would like to discuss this with me by phone please feel free to do so either before or after you have spoken to your legal team.

Kind regards

Peter Biggers
Independent Examiner
Argyle Planning Consultancy Ltd
Hope Lodge
Hope Terrace
Alnwick
Northumberland
NE66 1AJ

From: Mid Sussex District Council
Sent: 23 February 2017 13:36
To: 'peter@argyleplanning.co.uk' (peter@argyleplanning.co.uk)
Subject: RE: Hassocks Neighbourhood Plan

Dear Peter,

Further to my previous email Hassocks Parish Council are still working on the outstanding matter with the Environment Agency, but hope to be able to proceed to Examination soon.

However, I would welcome your view on the potential impact on the examination of the Plan in light of recent developments at the District Plan Examination.

You will recall the position with regards to the preparation of Burgess Hill and Haywards Heath Neighbourhood Plans ahead of the District Plan and the finalisation of the housing requirement for Mid Sussex. The Inspector for the District Plan has now issued his interim views on the housing requirement for

the District Plan and has indicated that we should allocate numbers to the parishes. I have attached a copy of his letter for your information.

The Council is still considering its response to this letter and there are likely to be further hearing sessions. His view is that there should be a substantial rise in the housing requirement.

My question is how much weight would you give to this letter at the Examination of the Hassocks Neighbourhood Plan? Any initial views would be helpful to enable us to advise Hassocks on how they should progress as they are keen to press ahead with the Examination of their Plan.

Kind Regards,

Senior Planning Officer
Planning Policy and Economic Development
Economic Promotion and Planning
www.midsussex.gov.uk

Working Together for a better Mid Sussex

From: MSDC
Sent: 19 January 2017 08:57
To: 'peter@argyleplanning.co.uk'
Subject: RE: Hassocks Neighbourhood Plan

Dear Peter,

The regulation 16 consultation has finished. They are just liaising with the Environment Agency regarding comments they made at Reg 16.

I will keep you informed of their progress.

Regards,

Senior Planning Officer
Planning Policy and Economic Development
Economic Promotion and Planning
www.midsussex.gov.uk

Working Together for a better Mid Sussex

From: Peter Biggers [<mailto:peter@argyleplanning.co.uk>]
Sent: 18 January 2017 23:51
To: MSDC
Subject: RE: Hassocks Neighbourhood Plan

Dear MSDC,

That should be doable. I have just pitched for another examination but have yet to hear whether I have been successful – it is not however a large or complex one and so I would imagine I can certainly start Hassocks in that time frame.

Has the Reg 16 stage completed now or is it still running?

Kind regards

Peter Biggers

Independent Examiner
Argyle Planning Consultancy Ltd
Hope Lodge
Hope Terrace
Alnwick
Northumberland
NE66 1AJ

From: MSDC
Sent: 18 January 2017 09:10
To: peter@argyleplanning.co.uk
Subject: RE: Hassocks Neighbourhood Plan

Dear Peter,

You will recall that Claire approached you last year with regards to the Hassocks Neighbourhood Plan Examination.

The Parish have asked me to check your availability for February/ March.

I look forward to hearing from you.

Regards,

Senior Planning Officer
Planning Policy and Economic Development
Economic Promotion and Planning
www.midsussex.gov.uk

Working Together for a better Mid Sussex

From: Claire Tester [<mailto:plan4localism@gmail.com>]
Sent: 09 November 2016 19:47
To: peter@argyleplanning.co.uk
Cc: MSDC
Subject: Re: Hassocks Neighbourhood Plan

Thanks Peter. I'll keep you updated when we know more.

Regards

Claire Tester

On Wednesday, 9 November 2016, Peter Biggers <peter@argyleplanning.co.uk> wrote:

Dear Claire

Thanks for the update .

At present February would not be a problem . Other than my usual PINS work I have no other examinations booked at the moment.

Kind regards

Peter Biggers

Argyle Planning Consultancy Ltd
Hope Lodge
Hope Terrace
Alnwick
Northumberland
NE66 1AJ

From: Claire Tester [mailto:plan4localism@gmail.com]

Sent: 09 November 2016 17:13

To: Peter Biggers

Subject: Hassocks Neighbourhood Plan

Further to my previous email I confirm that last night Hassocks Parish Council resolved to 'pause' the examination of the neighbourhood plan until January to allow the position on two key sites to become more certain. These are: Friars Oak Field, which the local MP is seeking to get called in by the Secretary of State; and Ham Field, London Road, which is being re-determined by PINs following a conceded JR.

Meanwhile we have advised the PC to complete its work on the Flood Risk Assessment of the National Tyres site and also to look at the representations made about the Sustainability Appraisal at Regulation 16 (particularly by Gleesons) to see if any amendments would address these criticisms.

In the light of this, we will not be formally appointing an Examiner until the New Year. Are you able to provide me with your availability for early February?

Regards,

Claire Tester MRTPI
Plan4Localism

e: Plan4Localism@gmail.com

10 Ockley Way, Hassocks, West Sussex, BN6 8NE

Matter 3: The relationship to the village, its scale and facilities, and any infrastructure issues (such as social infrastructure, highways and sewerage)

Introduction

51. The District Council has undertaken an assessment which is fully consistent with the level of assessment made for other allocations within the Plan. At an application stage the Council will seek s106 contributions that are consistent with the approach taken to other strategic allocations in the Plan, within the scope of CIL Regs122 and 123.

Scale and Integration

52. The Strategic Site Selection Paper (EP23a) shows the impact that the allocation at Clayton Mills would have on the settlements within Mid Sussex. It can be shown that
- An additional 500 homes in Hassocks would increase the village by 15%. This is the lowest percentage increase of all Category 2 settlements.
 - Existing commitments (sites with planning permission and existing allocations, as at 1st April 2017) plus Land north of Clayton Mills would equal a total supply of 882 dwellings.
 - Once factoring in the sites at appeal, this may increase to over 1,000. However, this is in the context of a 17-year plan period in which the District as a whole is delivering at least 16,390 dwellings, in the largest settlement within the District aside from the three towns.
53. As noted under Matter 1, the District Council questions the reliability of the draft Neighbourhood Plan Sustainability Appraisal (SA) which is untested and relies on an unsubstantiated and judgemental ‘tipping point’ argument (i.e. negatives outweigh the benefits). A similar but more substantiated argument was rejected by the Inspector in relation to the submitted District Plan, therefore the previously published Hassocks Neighbourhood Plan SA should be read in this context. In addition:
- The Hassocks SA was written at the point the District were proposing 800dpa. This has now increased to 876/1,090dpa – the housing need in Hassocks has therefore increased proportionately.
 - The Hassocks SA did not test the potential for a larger scheme north of Clayton Mills so therefore does not conclude that the site (in context with the housing need within the Parish and the District) is unsustainable.
 - Hassocks original core has already been enveloped by a series of housing estates of successive eras, including some low-density bungalow estates. This chronology of 20th and 21st century housing styles contributes to the distinct character of Hassocks.
 - Policy DP9b requires buffers and open space to mitigate against impact on protected landscape/townscape, including the National Park, plus the District Plan’s Design policy (DP24) ensures developments are ‘in-keeping’ with the existing built form.
54. The Proposed Allocation is also consistent with the Spatial Strategy for the District which seeks to allocate growth in accordance with the settlement hierarchy as set out in Policy DP6 – Hassocks is the largest and most sustainable Category 2 Settlement.

Education

55. A statement from the County Council is provided in Appendix 3A.
56. Mid Sussex District Council note the draft Neighbourhood Plan confirms the need for an additional school but does not currently identify an alternative site.

Transport Effects

57. A statement from the highways authority (West Sussex County Council) is provided in Appendix 3B. This confirms that WSCC has no transport/highway objections to the District Plan Main Modifications.
58. The potential traffic impacts of the allocation were discussed with the County Highways Authority; West Sussex County Council (WSCC). All work suggested by WSCC as appropriate to the assessment was commissioned by Mid Sussex District Council from consultants Amey. The County was also invited to comment on the results. A paper providing the results of the assessment is provided in the Examination Library as EP41c.
59. WSCC requested that additional work was undertaken to provide information on the likely development impact upon highway network and junction performance, in the local area around Hassocks and to highlight issues that could arise from this site at planning application stage. The results of this exercise are presented in full in a technical note, published as Note EP41c (under the heading Transport) and completed in advance of the site's proposed allocation and the main modifications consultation.
60. It should be noted this work, undertaken by the District Council's transport consultants Amey, was undertaken independently of the Transport Assessment (TA) prepared on behalf of the promoters, which the District Council has provided to the Parish Council as further information to support the allocation.
61. The District Council's assessment by Amey utilised the West Sussex County Transport Model (WSCTM). The assessment has been undertaken at future year 2031, as projected from a base year of 2008 and an updated 'present year' of 2014. Impacts have been examined for a typical-weekday AM peak-hour model, as handled through the SATURN highway and CUBE public transport model. The 2031 future year covers a cumulative assessment of the District Plan with Main Modifications including the proposed strategic allocation of 500 homes at Land north of Clayton Mills, Hassocks.
 - WSCC supports the conclusion that the overall traffic associated with the development scenario could be handled with reasonable success and without unmanageable stress, by the existing network in the vicinity of Hassocks, Keymer and south Burgess Hill. However, some remedial interventions would be desirable, to mitigate the areas of greatest stress, congestion and delay and to control traffic flow increases on A273 through Hassocks. Detailed mitigation packages would come forward in transport assessments that support planning applications on the allocated sites.
 - A273 / B2116 Stonepound crossroads - The separate outline TA for North of Clayton Mills Site and Hassocks showed minimal development traffic passing through Stonepound crossroads. The cumulative impact of development (the District Plan with Main Modifications (including land north of Clayton Mills)) on the operation of the Stonepound crossroads junctions is not severe when allowing for the committed improvement to Stonepound crossroad junction (being delivered by the land west of London Road development), mitigation in Burgess Hill and improvements to sustainable transport modes.

- Keymer Road / Ockley Lane junction - the outline transport assessment undertaken by i-Transport has included a detailed analysis of this junction which indicates that the junction has sufficient capacity to accommodate the rises in traffic flows.
 - Junctions in south Burgess Hill, specifically at the B2113 Keymer Road / Station Road roundabout and B2113 Keymer Road / Folders Lane roundabout - the County Council has seen initial designs and junction capacity assessments from i-Transport which, when combined with provision for increased use of sustainable modes of transport, likely to include a traffic-free cycle route to Burgess Hill, provide sufficient confidence that severe residual impacts from the proposed site allocation can be avoided. There is therefore no evidence to indicate that any impacts are 'show-stoppers'.
 - Lodge Lane / New Road junction - The strategic modelling has not identified severe impacts at the Lodge Lane / New Road junction. There has been a cluster of four collisions of slight severity at the western side of the junction (A273 side of the junction) over the past 5 years, some safety mitigation is likely to be appropriate for the junction to mitigate the increased turning movements as a result of development. The junction has clear sight lines and is not unduly physically constrained, so is not considered to form an issue which could not be resolved; a key area for further examination is likely to be the speed of traffic on New Road. Further consideration of this junction will be required at the planning application stage.
62. Overall, the assessment indicates that impacts from the MS District Plan MM Development Case are either not severe, or can be mitigated. Paragraph 32 of the National Planning Policy Framework indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
63. The transport evidence is proportionate in terms of the level of information required to allocate a site. The District Council therefore conclude that the site is suitable for allocation in transport terms, whilst recognising that further work will be required in order to support a planning application.

Sewerage Capacity

64. A note provided to the Council by Gleeson is appended at Appendix 3C.

MATTER 3 – APPENDIX A – Education – WSCC Position Statement

Land N of Clayton Mills, Hassocks

West Sussex County Council Position Statement with regard education facilities and s106 contributions in Hassocks

Background

Pupil numbers have been growing in the Hassocks locality in recent years. The locality includes Hassocks Infant School, Windmills Junior School, St Lawrence CE Primary in Hurstpierpoint, Albourne Primary School and Downlands Secondary School.

All the primary schools serving the 4 – 11 age range with the exception of Albourne Primary School have expanded by one form of entry (an extra 30 places in each year group). Despite this expansion there has been a shortage of places in Hassocks in particular and some children have had to travel to neighbouring villages or Burgess Hill to be educated.

Demand for secondary places has also increased and an expansion to allow an additional one form of entry has recently been completed allowing 240 pupils per year of age (8 forms of entry) at Downlands Secondary School. It is considered that this is sufficient for immediate needs but a further one form of entry expansion may be possible in the future if required.

Site selection for a new primary school

WSCC has been working with Hassocks Parish Council Neighbourhood Planning Committee and Mid Sussex District Council to identify a site for a new primary school. A number of options have been considered. It is believed that Land N of Clayton Mills is a deliverable option and of sufficient site to provide a two form of entry school (offering 60 places per year of age). There are other options but this site would offer a school that would be close to areas of family housing such as Clayton Mills to the N of Hassocks as well as serving the development itself. An initial high level review suggests it is suitable and deliverable as a primary school site.

Size of school

New schools can no longer be set up the Local Authority. New schools are either academies or free schools. The Education and Skills Funding Agency and the Regional Schools Commissioner who set up and monitor academies and free schools nationally build schools at a minimum size of two forms of entry. These organisations suggest that this minimum size is more likely to guarantee long term viability. For this reason, we would like to ensure that sufficient land is set aside for a two form of entry school although forecasts suggest that a one form of entry with the ability to expand to two forms of entry in the longer term might be appropriate given the housing trajectories in the area. This can be reviewed and monitored given the changing policy landscape for education nationally.

An alternative delivery option is currently available if WSCC were to run an academy presumption competition, a process where the Secretary of State ratifies an identified

academy trust as sponsor. Either route can only be considered when a site in Hassocks becomes available and is legally transferred to WSCC/ESFA. WSCC have been in dialogue with the promoter of at Land North of Clayton Mills and provided criteria to ensure suitability of a site should the housing come forward.

Graham Olway
Principal Manager, Capital Planning & Project
WSCC
& Vanessa Cummins
Schools Planning Officer
Vanessa.cummins@westsussex.gov.uk
Tel: 0330 222 3046

MATTER 3 - APPENDIX B – Transport – WSCC Position Statement



West Sussex County Council Position Statement:

Mid Sussex District Plan Main Modifications- Land North of Clayton Mills

Highway Authority Position as at January 2018 regarding Traffic Impact issues

The County Council has undertaken a review of a November 2017 Technical Note of Model Procedures and Outcomes (the Technical Note) undertaken by Amey for Mid Sussex District Council. The analysis includes a cumulative assessment of the Mid Sussex District Plan with Main Modifications including the proposed strategic allocation of 500 homes on the Land North of Clayton Mills development site.

The implications of the planning proposals have been assessed through the Mid Sussex Transport Study (MSTS) variant of the earlier, West Sussex County Transport Model (WSCTM). The assessment has been undertaken at future year 2031. The methodology is consistent with that used for the earlier MSTS Stage 3 report.

The Technical Note concludes that based on the strategic modelling; "the overall traffic associated with the development scenario could be handled with reasonable success and without unmanageable stress, by the existing network in the vicinity of Hassocks, Keymer and south Burgess Hill. However, some remedial interventions would be desirable, to mitigate the areas of greatest stress, congestion and delay and to control traffic flow increases on A273 through Hassocks." The County Council supports these conclusions. Detailed mitigation packages would come forward in transport assessments that support planning applications on the allocated sites.

The County Council confirms that it is happy with the trip generation and distribution assumptions for the site in the work, both by Amey for Mid Sussex District Council and by i-Transport for Gleeson.

There is a forecast 55% to 45% split between development traffic routing to / from the north (Burgess Hill direction) and south (Hassocks direction).

It is important that the development related traffic impacts on junctions in south Burgess Hill, specifically at the B2113 Keymer Road / Station Road roundabout and B2113 Keymer Road / Folders Lane roundabout, would be mitigated without adding local delays which would cause existing north-south traffic to change route and so add to pressure at the A273 / B2116 Stonepound signalised crossroads. The County Council has seen initial designs and junction capacity assessments from i-Transport acting for site promoter Gleeson which, when

combined with provision for increased use of sustainable modes of transport, likely to include a traffic-free cycle route to Burgess Hill, provide sufficient confidence that severe residual impacts from the proposed site allocation can be avoided.

Of the development traffic to and from the south the majority is expected to use the route via Lodge Lane to join the A273 at Clayton. The strategic modelling has not identified severe impacts at the Lodge Lane / New Road junction. Examination of the road traffic collision records for the Lodge Lane / New Road junction over a five year period to the end of November 2017 shows a cluster of four collisions of slight severity at the western side of the junction (used by traffic between Hassocks and the A273 at Clayton), which would be used by traffic generated by the site, with two further slight severity collisions approximately 30m to the west. There are four further collisions of slight severity at the eastern part of the junction, which is unlikely to receive increased traffic from this site. Although there are no serious injuries recorded, some safety mitigation is likely to be appropriate for the junction to mitigate the increased turning movements as a result of development. The junction has clear sight lines and is not unduly physically constrained, so is not considered to form an issue which could not be resolved; a key area for further examination is likely to be the speed of traffic on New Road. Further consideration of this junction will be required at the planning application stage.

The impact of the District Plan with Main Modifications (including land north of Clayton Mills) on the operation of the Stonepound crossroads junctions is not severe when allowing for the committed improvement to Stonepound crossroad junction (being delivered by the land west of London Road development), mitigation in Burgess Hill and improvements to sustainable transport modes.

Regarding the proposed site access on Ockley Lane, the County Council is satisfied that the required visibility splays are achievable based on the recorded wet weather 85th percentile vehicle speeds along Ockley Lane. The design of the proposed access is therefore not reliant upon changing the speed limit in this location. Any speed limit reduction in this location would be reviewed against the WSCC Speed Limit Policy and local conditions at that time.

Further work will be needed at planning application stage to explore these and other issues in more detail, including a cumulative assessment with other sites. Overall, the County Council as Local Highway Authority has no objection to the Mid Sussex District Plan with Main Modifications.

MATTER 3 - APPENDIX C – Sewerage Note



LAND NORTH OF CLAYTON MILLS

WASTEWATER TREATMENT

1. Southern Water's consultation response to Mid Sussex District Council's Main Modification consultation held between October and November 2017 is inconsistent with previous advice they have provided over the future capacity of Goddards Green Sewage Treatment Works (STW). Southern Water has a statutory responsibility to adequately plan, and provide, for sewerage in their area.
2. The 2011 Water Cycle Study (*Doc Ref: EP46*) considered the projected housing growth up to 2026. Table 4:2 identified that (*in 2011*) the Goddards Green STW had available headroom for 2600 properties (*but with 7317 houses planned the growth would be greater than the headroom*).
3. The 2011 Water Cycle Study was produced some 3 years prior to Ofwat's price determination to fund the investment programme to 2020 providing sufficient time to enable SW to secure sufficient funding for planned growth to 2020.
4. The next review (*in 2019*) will allow SW to secure sufficient funding for planned growth to 2025.
5. In 2013 SW confirmed:-

"In terms of wastewater treatment capacity at Goddards Green WTW, we have not identified any constraints. The Environmental Permit at this works was recently renegotiated with the Environment Agency. This will provide additional headroom for 3,000 homes, and there is an investment scheme in the period to 2015 which will deliver this capacity. Importantly, the level of treatment is not at BAT which means that when Southern Water seeks to provide capacity for additional homes the permit can be wound down to higher quality standards which are still within BAT. We estimate that approximately 7,000 additional homes can be accommodated before BAT levels are reached, assuming that the Environment Agency would apply the load standstill principle".
6. This statement updated the information contained in the 2011 Study
7. The Council's housing delivery figures indicate that there were a total of 3695 completions throughout the entire District between April 2012 (*ie – immediately prior to the publication of the 2013 Study*) and March 2017. There are two principal WTW (Wastewater Treatment Works) in the District, with Haywards Heath draining to Scaynes Hill WTW and the Burgess Hill and Hassocks areas draining to Goddards Green WTW.
8. Completions for Burgess Hill and Hassocks between 2012 and 2017 amounted to no more than about 1,500 homes suggesting that (*on the basis of SW's 2013 response*) there is headroom at Goddards Green WTW for a further 1,500 homes (*or a further 5,500 homes before BAT (Best Available Technology) levels are reached*).
9. There is therefore no justification for SW to require the insertion of the additional bullet in Policy DP7, which would state:-

“Not to be occupied until necessary improvements at Goddards Green Waste Water Treatment Works and connecting pipework and pumping stations to increase the capacity and environmental quality are implemented”.

10. Notwithstanding the statutory duties of SW, there are other options available which would allow the timely delivery of housing within the present Goddards Green Treatment WTW catchment area if SW is unable to meet its statutory obligations.
11. The estimated housing delivery rates for the site north of Clayton Mills suggests that there will be an annual completion rate of 72 dwellings starting in 2019/2020.
12. One option would therefore be to provide temporary arrangements during the initial phase of development. A second option would be provided “on site” treatment facilities for the initial phase. A further option would be to enter into an arrangement with an alternative undertaker which, under a NAV (*New Appointment Variation*) would allow another company to replace SW as the sewerage undertaken appointee for this area.
13. A standard “model” planning condition requiring details of foul drainage disposal to be submitted and approved by the local planning authority would suffice without the need for any “Policy” restriction to be identified.
14. Amendments to the Water Act 2014 are expected to come into law on April 1 2018, which will introduce additional water and sewer infrastructure charges, to be paid for each new plot connected to the network. The Water Authorities will have an obligation to accept the new connections to accommodate the increased flows.

Matter 4: Impact on Landscape and Countryside

Context

65. Hassocks is a large village located on the Brighton Mainline, to the South of Burgess Hill, east of Hurstpierpoint and west of Ditchling. To the south of the main built up area of Hassocks and Keymer is the South Downs National Park, beyond which is Brighton. Like most of the district the surrounding countryside is of high landscape value, even beyond the National Park and AONB. The existing built up area of Hassocks sits adjacent to the National Park to the south and east, although the allocation of the site itself is currently subject to Policy DP10: Protection and Enhancement of the Countryside. As may be noted policy DP10 refers to all land in the district outside designated built-up areas, and beyond the AONB and National Park. Its designation is supported by the assessment of landscape quality by Land Use Consultants as part of the District Plan evidence base.
66. Hassocks can be observed distantly from the top of the South Downs scarp slope, most prominently from the viewpoint offered by the “Jack and Jill” windmills, where it appears as part of a patchwork of settlements visible with a gently rolling landscape.
67. The allocation consists of relatively flat land, albeit which gently falls away to the north. It is located on the far side of Hassocks from the scarp slope of the South Downs National Park, albeit the National Park, north of the scarp extends northwards to the East of Ockley Lane and rear of Ockley Manor, although this is largely screened from the allocation by development and trees on the eastern side of Ockley Lane. The scarp slope can be seen in the distance to the south well beyond the existing built up area of Hassocks.
68. To the West the site is bounded by the substantial embankment of the Brighton main rail line. The height of this means that views do not exist beyond the site to the West.
69. To the East of the allocation on the far side of Ockley Lane is the Grade 2* Ockley Manor together with two other Grade 2 Listed Building comprising a Dovecot (to the south relative to the manor) and Barn (to the north). Ockley Manor is a Grade II* listed country house. Its handsome façade is early Georgian (believed to date from around 1729) but in a Queen Anne style. The origins of Ockley Manor appear to date back to the 13th century. Ockley Manor was built at what was then the centre of a thriving farming community but its lands have been slowly nibbled away at the southern end by new housing developments. To the south east it is only about 100 metres away from the northern end of Mackie Avenue/Ockley way, although it is well screened by trees and hedges.

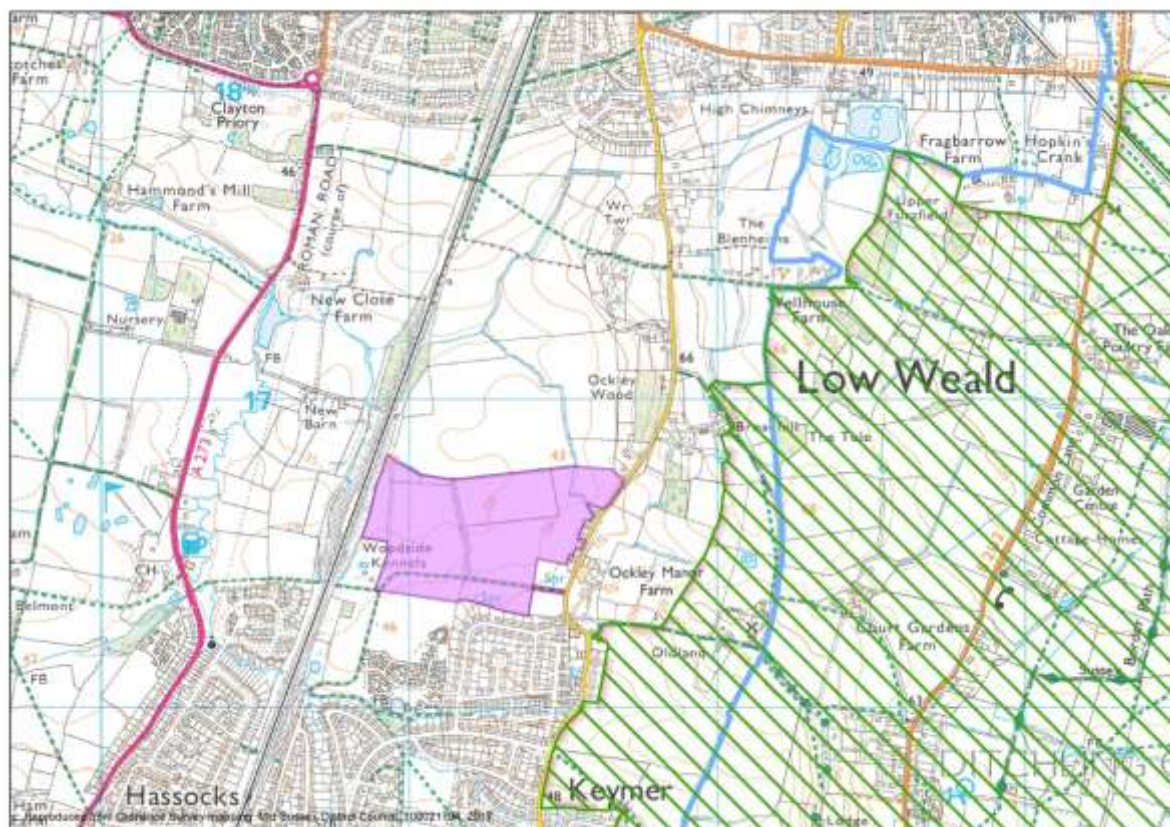
MSDC Approach to the Allocation

70. In its assessment of the site, Mid Sussex undertook a number of initial assessments. These included:
 - Assessment of the relationship of the site to the National Park;
 - Assessment of the relationship of the site to the Ockley Manor;
 - Consideration of the site in the context of the existing residents;
 - Consideration of the extent to which the site increases coalescence with Burgess Hill in spatial or perceptual terms; and
 - Relationship to the character of the existing settlement.
71. The assessment of the National Park considered the relationship of the site to the National Park to the East and of the effect on views on Hassocks from the top of the South Downs scarp slope.
72. The assessment noted that the site is more distant from the National Park boundary than other existing built up areas of Hassocks and Burgess Hill. The site sits on lower ground than the

National Park. To the East, the National Park is low rolling countryside and views of the National Park are effectively screened by development and the trees on the eastern side of Ockley Lane.

73. The site is in very distant and barely identifiable views from the top of the south downs scarp slope (the Jack and Jill windmills). Views from higher ground within the Park are already of a patchwork of towns and countryside; any development of this site would be 'read' in the context of existing built form. The Inspector may wish to satisfy himself through a site visit.
74. These assessments helped inform the Site Selection Paper (EP43a) and its conclusion that the site, whilst in proximity to the National Park as the crow flies, is remote in the sense that there are not thought to be any direct impacts on the Park from the development of the site.
75. In their representation to the Main Modifications consultation, the South Downs National Park Authority confirm the Council's assessment regarding the impact of the site, and conclude there to be no significant direct landscape/visual impacts. The SDNPA suggest scope further mitigation measures to be incorporated as part of the masterplan for the site, to ensure there is no significant impact. This is agreed with the Council (appended at Appendix 4A).

Figure 1: Proposed Clayton Mills allocation in context



Notes (Proposed allocation in Magenta, undeveloped area to the south of the allocation is existing open space, National Park area shown with green hatching, district boundary in light blue, settlement to the north is the southern edge of Burgess Hill)

76. The Council has sought advice from its conservation officer in relation to the relationship with the Grade 2* Listed Ockley Manor and the other listed buildings on the site. The Conservation officer opinion was recorded as follows.

“A substantial development of around 500 homes on site shown would affect the setting of the group of heritage assets at Ockley Manor. The open countryside to the west, north and east of the Manor makes an important contribution to its wider setting and the way in which the special interest of the group of assets as a historic country estate is appreciated. The proposal to build 500 new homes to the west of Ockley Lane will have a considerable impact on the character of a large part of the wider setting of the Manor and the way in which the special interest of this group of assets is appreciated, in particular by those travelling along Ockley Lane, and by those using the footpath which runs westward across the fields from the Lane directly opposite the Manor House.

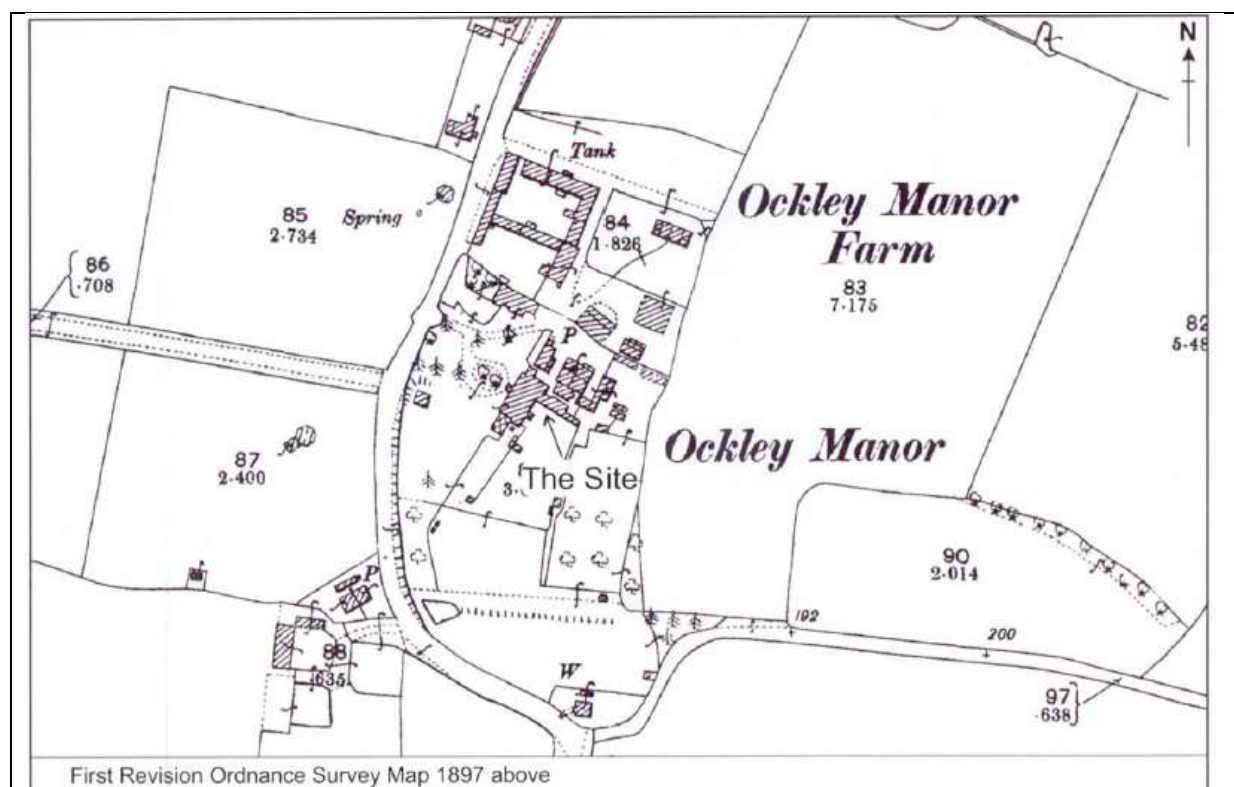
In terms of the NPPF, as the development will not directly affect the listed buildings or their immediate garden setting I would categorise the harm caused to their setting and the manner in which their special interest is appreciated as likely to be less than substantial, although to the upper end of that scale (given the size and proximity of the development). As such, the criteria set out in paragraph 134 of that document would apply. This paragraph states that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.’

In terms of mitigation I would suggest that the impact on the setting of the heritage assets could be somewhat reduced by pushing the eastern edge of the development as far as is practical away from the Ockley Lane frontage opposite the Manor to create a landscape buffer, and by introducing substantial natural screening along this eastern edge. I would suggest that the masterplan to support any planning application should clearly show the extent of this buffer as well as landscaping proposals for the buffer zone. The retention of the two fields directly opposite the Manor adjacent to the western side of Ockley Lane as open fields in an agricultural use would also to some extent further mitigate the harm caused by the development”.

77. Reflecting this advice, the Council concluded that harm could be mitigated through a master planning and landscape strategy approach, which sought to provide a buffer to the Manor. In drawing this conclusion the Council also noted the scale of the site (see Figure 1 above) relative to the scale of development proposed and the substantial areas likely be devoted to open space and potentially school playing fields. This is reflected in draft views.
78. The Council also concluded that while the presence of the listed Ockley Manor building and the historic setting of surrounding farmland increased the local value of the allocation site and the weight that must be placed on views to and from the Manor, the benefits of the allocation outweighed these considerations. Moreover, through master planning it was judged that these views could be maintained, and that, with reference to NPPF paragraph 134, the benefits of additional housing were also judged to outweigh any harm to very distant views, which were in practice already constrained by existing hedgerows and ultimately at considerable distance the embankment of the Brighton Main Line.
79. Further, and beyond these considerations, the site does not have any particularly significant or rare features, qualities, interest, aspects or associations and is not available for recreational use such that it could be defined as valued landscape with reference to NPPF paragraph 109.

Figure 2: Ockley Manor Farm (1897)



80. In relation to coalescence the assessment concluded that although the allocation would physical reduce the physical gap between Hassocks and Burgess Hill, it would not lead to any increase in the perception of coalescence. From the view north from the site, only the Burgess Hill Water Tower is visible, as it is already from the rear gardens of Mackie Avenue.
81. Last, the assessment considered the relationship to the existing character of Hassocks. Hassocks is a large village, which offers a wide range of most 20th century housing styles, with immediate interfaces comprising the backs of bungalows and chalet bungalows on Mackie Avenue and Ockley Way and its associated small housing estate. Overall the Council's judgement is that through good design and master planning the allocation offers the potential to enhance the character of Hassocks.

MATTER 4 - APPENDIX A – South Downs National Park Position Statement

Mid Sussex District Council and South Downs National Park – MSDC District Plan Hearing 5 February 2018 – Position Statement

The South Downs National Park Authority (SDNPA) made representations to the MSDC District Plan Main Modifications consultation in November 2017. The SDNPA was invited to attend the Hearing on Land at Clayton Mills, Hassocks, but is not intending to attend.

This position statement has been prepared by both parties, to aid the Inspector's understanding of the issues raised by SDNPA, and to identify where there is agreement between both parties.

Table 1 of the position statement:

- Summarises the South Downs National Park Authority's comments to the Main Modifications;
- Provides MSDC's response to the comments made; and
- Identifies the actions which will be taken to address the comments made.

Table 1

SDNPA Issues raised in Main Mods consultation	MSDC comment	Proposed actions
In the Strategic Site Selection paper, the assessment of Site B (Land to the east of Burgess Hill, Kingsway) refers incorrectly to AONB instead of the National Park. It is described as being remote from high status protected areas when it is located less than 300m as the crow flies from the National Park boundary.	We acknowledge that the wording of the report incorrectly refers to AONB instead of the National Park and note the distance of the site from the National Park.	This site has since received planning permission and a number of completions have been made on site. Any impact on the National Park would have been addressed within the assessment of the planning application. In terms of the content of the Strategic Site Selection Paper and Sustainability Appraisal, this will be corrected within any future versions.
In the Strategic Site Selection paper, the assessment of Site R (Land north of Clayton Mills) refers incorrectly to AONB instead of the National Park. It is described as being remote from high status protected areas when it is located just over 200m as the crow flies from the National Park boundary.	We acknowledge that the wording of the report incorrectly refers to AONB instead of the National Park and note the distance of the site from the National Park.	MSDC have reviewed the content of the Strategic Site Selection Paper and outlined the implications of correcting this status on the overall assessment score/rank. Amending the score against this criteria would not impact the conclusion reached by the District Council. The Council will set this out in its Topic Paper for the hearing on the 5 th February.
The Sustainability Appraisal (SA) has used the above information to assess Site R. A change of scoring may not alter the proposal to allocate the site but it does not, as it stands, appear to fulfil the requirements of S.62 of the Environment Act 1995, which requires all relevant authorities to have regard to the Purposes of the South Downs National Park. .	The Site Selection Paper is based on the assessments made in the SA.	The SDNPA are correct to assume that changing the score would not impact on the overall assessment. The District Council's Topic Paper for the hearing on 5 th February will address this. Objective 9 of the Sustainability Appraisal provides a full and proper consideration of S.62 of the Environment Act.
The SDNPA does not consider that the allocation of the site north of Clayton Mills is likely to have significant and direct (landscape or visual) impacts upon the National Park. However, they do consider that there will be a number of indirect impacts and as a result opportunities	MSDC welcomes the view from the SDNPA that the allocation of the site north of Clayton Mills is unlikely to have significant and direct (landscape or visual) impacts upon the National Park.	The District Plan sets out the expectation that the developer/promoter will work with MSDC and the Parish Council to prepare an allocation-wide masterplan, to guide the future development of the site. The preparation of the masterplan will

for significant benefits for wildlife and green infrastructure should be sought.		provide the opportunity to identify significant benefits for the provision of green infrastructure and benefits for wildlife. MSDC would not object to the Inspector requiring that this wording is added to the text of Policy DP9b.
<p>Matters which should be addressed include:</p> <ul style="list-style-type: none"> • Rights of way improvements into the National Park, allowing people to avoid busy roads, given its proximity; • The rural character of local lanes; • Lighting should be kept to an absolute minimum; • Other sustainability measures such as cycle storage, rainwater recycling, SUDS and energy efficiency measures. 	We note these requirements.	The District Plan sets out the expectation that the developer/promoter will work with MSDC and the Parish Council to prepare an allocation-wide masterplan, to guide the future development of the site. The preparation of the masterplan will provide the opportunity to discuss and agree provision of rights of way improvements, appropriate lighting on the site, a package of sustainability measures and the character of local lanes. MSDC would not object to the Inspector requiring that this wording is added to the text of Policy DP9b.
<p>The proximity to the National Park should be included within the supporting text to Policy DP9b, as well as the policy – the following wording should be incorporated:</p> <p><i>'Pre-application advice and/or any planning application submitted in respect of this site shall include a detailed Landscape and Visual Impact Assessment in relation to the setting and special qualities of the South Downs National Park.'</i></p>	We note the SDNPA's requirement.	MSDC would not object to the Inspector requiring that this wording is added.

SDNPA and MSDC agree the above issues and position.



SALLY BLOMFIELD

DIVISIONAL LEADER, PLANNING AND ECONOMY

MID SUSSEX DISTRICT COUNCIL



LUCY HOWARD

PLANNING POLICY MANAGER

SOUTH DOWNS NATIONAL PARK AUTHORITY

22nd January 2018

Matter 5: Whether the development criteria contained within the policy are appropriate

82. The District Council judges that the policy wording and supporting text provide considerable safeguards against some of the concerns that have been expressed in relation to the allocation.
83. The following table outlines the concerns identified during the assessment of the site, through liaison with the Parish Council and its advisors, and during the Main Modifications consultation. It also shows how these have been addressed in the policy wording as criteria by which an application would need to accord with.

Concerns Raised	Policy Requirement (DP9b)
Education capacity	Provision of a new Primary School
Access and impact of traffic on Ockley Lane	Provide a suitable and safe access to the site from Ockley Lane and appropriate mitigation to support the development with regards to the Local and Strategic Road Network
Impact on the South Downs National Park	Provide appropriate mitigation to reduce the visual impact of the development on the landscape and to ensure, in particular, that development respects the South Downs National Park and its setting
Coalescence between Hassocks and Burgess Hill	Incorporate a greenspace buffer on the northern boundary. This will form a strong defensible boundary to prevent coalescence with Burgess Hill and retain the separate identity and amenity of the two settlements. Land within this buffer will be transferred, with the Parish's agreement, to the Parish Council
Impact on heritage, particularly the listed buildings at Ockley Manor	Incorporate a suitable buffer to protect the setting of Ockley Manor (Grade II*) and Ockley Manor Barn (Grade II), which lie to the east of the site
Impact on nearby residents, particularly Mackie Avenue	Incorporate a greenspace buffer on the southern boundary to protect the amenity of existing residential properties on Mackie Avenue which back on to the site
Impact of increased traffic on the Stonepound Crossroads Air Quality Management Area	Identify and respond to issues relating to air quality in relation to the site's proximity to the Stonepound Crossroads Air Quality Management Area (AQMA). The scheme must demonstrate that it will not cause unacceptable levels of air pollution and is consistent with the Stonepound Crossroads Air Quality Action Plan
Connectivity with the village, public transport	<p>Make a financial contribution to secure improved public transport provision to Hassocks and Burgess Hill</p> <p>Provide safe pedestrian/cycling routes within the development and to connect with existing residential areas, the services within Hassocks village centre, Hassocks railway</p>

	station, and enhance the existing cycle route to Burgess Hill
Current railway crossings are unsafe, development will pose a risk to the public	Assess the implications of the development on pedestrian and cycle railway crossings and ensure that there is an agreed approach towards ensuring the provision of safe crossings
Site is subject to flood risk	Provide surface water drainage, based on sustainable drainage principles in accordance with DP41: Flood Risk and Drainage

84. The South Downs National Park have proposed wording to address proximity of the National Park, visual impact, setting and green infrastructure. Southern Water proposed wording changes reflecting the sites connection to the nearest point of adequate capacity. The Council is likely to support these and any further justified amendments to policy to strengthen these safeguards if the Inspector considers these required and appropriate.